

Stark County Planning and Zoning Commission Minutes

July 30, 2015
3:00 pm

Chairman Russ Hoff called the meeting of the Stark County Planning and Zoning Commission to order. Chairman Hoff, Jay Elkin, Gene Jackson, Duane Grundhauser, Larry Messer, Kurt Froelich and Sue Larsen present and absent was Klayton Oltmanns. Also present were County Planner Steve Josephson, and Nicole Roberts of the Auditor's office.

Jay Elkin moved to approve the minutes from the July 2, 2015 meeting. Duane Grundhauser seconded. All voted Aye and motion carried.

County Planner Steve Josephson announced that Agenda Item #9 Public Hearing for Melissa Hochmuth of NextEra Energy Resources has been withdrawn.

Bill Starlin is requesting a Minor Subdivision Plat of the Bill Starlin Subdivision generally located in the NW ¼ of Section 25, Township 139, Range 96 containing approximately 40 acres.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of Minor Subdivision Plat of the Bill Starlin Subdivision generally located in the NW ¼ of Section 25, Township 139, Range 96 containing approximately 40 acres following staff recommendations for Bill Starlin.

Gene Jackson seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed final plat dated July 7, 2015.

Chairman Hoff opened the public hearing on a request from Chelle Eischens of Performance Development Group. The request is for a conditional use permit for a 349 foot guyed communications tower on a parcel located in the SW ¼ of Section 36, Township 140, Range 99 containing approximately 137.97 acres on a lease area of approximately 8.26 acres.

Duane Grundhauser moved to recommend to the Stark County Board of Commissioners the approval of a conditional use permit for a 349 foot guyed communications tower on a parcel located in the SW ¼ of Section 36, Township 140, Range 99 containing approximately 137.97 acres on a lease area of approximately 8.26 acres following staff recommendations for Chelle Eischens of Performance Development Group.

Jay Elkin seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:

1. The location of the proposed project should not adversely impact the existing agricultural uses in the vicinity; and
2. The conditional use shall to limited through the inclusion of the following conditions:
 - a. **Development shall be limited to a guyed telecommunications tower and an accessory structure to protect communications equipment on site;**

- b. The equipment compound shall not be used for storage of any excessive equipment, hazardous waste, or habitable space. No outdoor storage shall be allowed on site;
- c. The maximum height of the radio tower shall be limited to 349 feet;
- d. The location of the tower and accessory building shall be as shown on the drawings submitted with the CUP application dated June 3, 2015;
- e. The developer shall be responsible for all maintenance associated with the tower, the tower compound and the roads accessing the tower;
- f. The tower shall allow for co-location of four additional providers;
- g. The developer shall provide a six-foot fence around the perimeter of the tower compound. Chain-linked fences shall be painted or coated with a non-reflective color;
- h. Prior to building permit issuance, the developer shall submit a letter from the Federal Aviation Administration (FAA) stating that the tower does not exceed the maximum height permitted under FAA rules;
- i. Signs located at the telecommunications facility shall be limited to ownership and contact information, Federal Communications Commission antenna registration number (if required), and any other information as required by government regulation. Commercial advertising is strictly prohibited;
- j. Unless required by the Federal Communications Commission or the Federal Aviation Authority, the telecommunications tower shall not be lighted;
- k. Security lighting for the equipment shelter shall be confined to the boundaries of tower site;
- l. The tower shall be constructed of galvanized material and shall be of an appropriate color to harmonize with the surroundings;
- m. Any proposed change of use of the tower, increase in height or change of location shall require a hearing before the Stark County Planning and Zoning Board and approval as well as approval from the Stark County Commission;
- n. Development of the radio tower shall be performed in accordance with all applicable County, State and Federal rules and regulations; and
- o. The service provider shall report to the Zoning Administrator if the telecommunications tower facility is no longer in use. The telecommunications tower facility shall be removed, at the service provider's expense, within six (6) months of this notice and the site shall be restored by the service provider to its pre-existing condition.

The subject property is currently zoned Agriculture. As the surrounding area is either undeveloped and appears to be in agricultural use, or has been developed with a truck driving schools, the proposed conditional use is consistent with the following objective of The Stark County Comprehensive Plan:

- **LAND USE-Avoid conflict between land uses.**

Chairman Hoff opened the public hearing on a request from BNSF Railway. The request is for a Conditional Use Permit for a 160 foot self-supported railway communications tower on a portion of right-of-way located in the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 2, Township 139, Range 93 on an area of approximately 0.031 acres.

Chairman Hoff asked for anyone to speak for or against the conditional use permit. Chairman Hoff closed the public hearing.

Gene Jackson moved to recommend to the Stark County Board of Commissioners the approval for a 160 foot self-supported railway communications tower on a portion of right-of-way located in the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 2, Township 139, Range 93 on an area of approximately 0.031 acres following staff recommendations for BNSF Railway.

Jay Elkin seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:

- 1. The location of the proposed project should not adversely impact the existing uses in the vicinity; and**
- 2. The conditional use shall be limited through the inclusion of the following conditions:**
 - a. Development shall be limited to a self-supported railroad communications tower;**
 - b. The maximum height of the radio tower shall be limited to 160 feet;**
 - c. The location of the tower and the accessory building shall be as generally shown on the drawings dated May 4, 2015 received as part of the application dated July 3, 2015;**
 - d. The developer shall be responsible for all maintenance associated with the tower;**
 - e. The developer shall provide a six-foot chain link fence around the perimeter of the pad;**
 - f. Prior to building permit issuance, the developer shall submit a tower safety letter from the tower manufacturer with a wet registered professional engineer's seal and signature.**
 - g. Prior to construction, the developer shall submit a letter from the Federal Aviation Administration (FAA) stating that the tower does not exceed the maximum height permitted under FAA rules;**
 - h. Any proposed change of use of the tower, increase in height or change of location shall require a hearing before the Stark County Planning and Zoning Board and approval as well as approval from the Stark County Commission; and**
 - i. Development of the radio tower shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

Chairman Hoff opened the public hearing on a request from Darrell Kuhn. The request is for a zoning change from Agriculture to Rural Residential on a parcel located in the SW 1/4 of Section 11, Township 137, Range 95 on approximately 5.92 acres.

Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of the zoning change from Agriculture to Rural Residential on a parcel located in the SW 1/4 of Section 11, Township 137, Range 95 on approximately 5.92 acres following staff recommendations for Darrell Kuhn.

Duane Grundhauser seconded. Roll call vote. All voted Aye and the motion carried

STAFF RECOMMENDATION: Approval of the proposed rezoning based upon the following finding:

- The proposed rezoning is consistent with the development pattern in the vicinity.

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses.

Chairman Hoff opened the public hearing on a request from Melissa Hochmuth. The request is for a conditional use permit for a 197 foot meteorological tower (MET) to be used to monitor and collect wind data on a parcel located in the SE ¼ of Section 16, Township 137, Range 95 containing approximately 160 acres. The actual lease area is approximately 2.5 acres.

Chairman Hoff asked for anyone to speak for or against the conditional use permit. Chairman Hoff closed the public hearing.

Duane Grundhauser moved to recommend to the Stark County Board of Commissioners the approval of the conditional use permit for a 197 foot meteorological tower (MET) to be used to monitor and collect wind data on a parcel located in the SE ¼ of Section 16, Township 137, Range 95 containing approximately 160 acres. The actual lease area is approximately 2.5 acres following staff recommendations for Melissa Hochmuth.

Larry Messer seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:

- 1. The location of the proposed project should not adversely impact the existing uses in the vicinity; and**
- 2. The conditional use shall be limited through the inclusion of the following conditions:**
 - a. Development shall be limited to a guy-wired meteorological tower (MET) to be used to monitor and collect wind data;**
 - b. No outdoor storage shall be allowed on site;**
 - c. The maximum height of the MET shall be limited to 197 feet;**
 - d. The location of the MET shall be as generally shown on the drawing dated June 15, 2015;**
 - e. The duration of the conditional use permit shall be five and one-half years;**
 - f. The developer shall be responsible for all maintenance associated with the MET; and guys, and the driveways/roads accessing the tower;**
 - g. The developer shall provide a six-foot chain link fence around the MET and baseplate;**

- h. **Unless required by the Federal Aviation Authority, the MET shall not be lighted;**
- i. **If necessary, the developer, prior to construction, shall submit a letter from the Federal Aviation Administration (FAA) stating that the MET does not exceed the maximum height permitted under FAA rules and does not require lighting;**
- j. **Any proposed change of use of the MET, increase in height or change of location shall require a hearing before the Stark County Planning and Zoning Board and approval as well as approval from the Stark County Commission; and**
- k. **Development of the MET shall be performed in accordance with all applicable County, State and Federal rules and regulations.**
- l. **The applicant shall report to the Zoning Administrator if the tower is no longer in use. The tower shall be removed, at the applicant's expense, within six (6) months of this notice and the site shall be restored by the applicant to its pre-existing condition.**

Chairman Hoff opened the public hearing on a request from Melissa Hochmuth. The request is for a conditional use permit for a 197 foot meteorological tower (MET) to be used to be used to monitor and collect wind data on a parcel located in the NW ¼ of Section 35, Township 137, Range 96 containing approximately 160 acres. The actual lease area is approximately 2.5 acres.

Chairman Hoff asked for anyone to speak for or against the conditional use permit. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of the conditional use permit for a 197 foot meteorological tower (MET) to be used to be used to monitor and collect wind data on a parcel located in the NW ¼ of Section 35, Township 137, Range 96 containing approximately 160 acres. The actual lease area is approximately 2.5 acres following staff recommendations for Melissa Hochmuth.

Gene Jackson seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:

- 1. The location of the proposed project should not adversely impact the existing uses in the vicinity; and**
- 2. The conditional use shall be limited through the inclusion of the following conditions:**
 - a. Development shall be limited to a guy-wired meteorological tower (MET) to be used to monitor and collect wind data;**
 - b. No outdoor storage shall be allowed on site;**
 - c. The maximum height of the MET shall be limited to 197 feet;**
 - d. The location of the MET shall be as generally shown on the drawing dated June 15, 2015;**
 - e. The duration of the conditional use permit shall be five and one-half years;**
 - f. The developer shall be responsible for all maintenance associated with the MET; and guys, and the driveways/roads accessing the tower;**
 - g. The developer shall provide a six-foot chain link fence around the MET and baseplate;**
 - h. Unless required by the Federal Aviation Authority, the MET shall not be lighted;**

- i. If necessary, the developer, prior to construction, shall submit a letter from the Federal Aviation Administration (FAA) stating that the MET does not exceed the maximum height permitted under FAA rules and does not require lighting;**
- j. Any proposed change of use of the MET, increase in height or change of location shall require a hearing before the Stark County Planning and Zoning Board and approval as well as approval from the Stark County Commission; and**
- k. Development of the MET shall be performed in accordance with all applicable County, State and Federal rules and regulations.**
- l. The applicant shall report to the Zoning Administrator if the tower is no longer in use. The tower shall be removed, at the applicant's expense, within six (6) months of this notice and the site shall be restored by the applicant to its pre-existing condition.**

Chairman Hoff opened the public hearing on a request from Melissa Hochmuth. The request is for a conditional use permit for a 197 foot meteorological tower (MET) to be used to be used to monitor and collect wind data on a parcel located in the E ½ of the SE ¼ of Section 30, Township 137, Range 95 containing approximately 80 acres. The actual lease area is approximately 2.5 acres.

Chairman Hoff asked for anyone to speak for or against the conditional use permit. Chairman Hoff closed the public hearing.

Larry Messer moved to recommend to the Stark County Board of Commissioners the approval of the conditional use permit for a 197 foot meteorological tower (MET) to be used to be used to monitor and collect wind data on a parcel located in the E ½ of the SE ¼ of Section 30, Township 137, Range 95 containing approximately 80 acres. The actual lease area is approximately 2.5 acres following staff recommendations for Melissa Hochmuth.

Duane Grundhauser seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:

- 1. The location of the proposed project should not adversely impact the existing uses in the vicinity; and**
- 2. The conditional use shall be limited through the inclusion of the following conditions:**
 - a. Development shall be limited to a guy-wired meteorological tower (MET) to be used to monitor and collect wind data;**
 - b. No outdoor storage shall be allowed on site;**
 - c. The maximum height of the MET shall be limited to 197 feet;**
 - d. The location of the MET shall be as generally shown on the drawing dated June 15, 2015;**
 - e. The duration of the conditional use permit shall be five and one-half years;**
 - f. The developer shall be responsible for all maintenance associated with the MET; and guys, and the driveways/roads accessing the tower;**
 - g. The developer shall provide a six-foot chain link fence around the MET and baseplate;**
 - h. Unless required by the Federal Aviation Authority, the MET shall not be lighted;**
 - i. If necessary, the developer, prior to construction, shall submit a letter from the Federal Aviation Administration (FAA) stating that the MET does not exceed the maximum height permitted under FAA rules and does not require lighting;**

- j. Any proposed change of use of the MET, increase in height or change of location shall require a hearing before the Stark County Planning and Zoning Board and approval as well as approval from the Stark County Commission; and**
- k. Development of the MET shall be performed in accordance with all applicable County, State and Federal rules and regulations.**
- l. The applicant shall report to the Zoning Administrator if the tower is no longer in use. The tower shall be removed, at the applicant's expense, within six (6) months of this notice and the site shall be restored by the applicant to its pre-existing condition.**

Sue Larsen moved to adjourn, Duane Grundhauser seconded.